

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROCELIOUS WILLIAMS,

Petitioner,

v.

CASE NO. 02-CV-73068-DT
HONORABLE ARTHUR J. TARNOW

KURT JONES,

Respondent.

_____ /

AMENDED JUDGMENT

On September 30, 2005, this Court granted Petitioner's application for the writ of habeas corpus on the grounds that Petitioner was denied his constitutional right to conflict-free representation and his waiver of that right was not voluntary and intelligent. Respondent appealed the Court's decision, and on January 19, 2007, the United States Court of Appeals for the Sixth Circuit reversed this Court's grant of the writ of habeas corpus. *See Williams v. Jones*, No. 05-2646, 2007 WL 143066 (6th Cir. Jan. 19, 2007) (unpublished opinion).

According to the Court of Appeals, this Court erred in holding that Petitioner demonstrated an actual conflict of interest, which adversely affected his attorney's performance. The Court of Appeals stated that all the conflicts cited by Petitioner and this Court were either hypothetical or not supported by the facts and, therefore, not sufficient to grant habeas relief.

This matter currently is pending before the Court on remand from the Court of Appeals for entry of a judgment consistent with its opinion. Accordingly, the Court's judgment dated September 30, 2005, [dkt. #32] is VACATED. It is further ordered that judgment is entered in favor of Respondent.

Williams v. Jones, No. 02-73068

Although on December 14, 2005, the Court ordered Petitioner's release on personal recognizance without surety, no further action is necessary. The State of Michigan released Petitioner on his maximum discharge date of April 12, 2007. *See* www.state.mi.us/mdoc/asp/otis2profile.asp?mdocNumber=281206.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: May 2, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 2, 2007, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary